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REMARKS

Applicant appreciates the consideration shown by the Office, as evidenced by the Office Action, mailed on March 28, 2003. In that Office Action, the Examiner rejected Claims 1-59. Claims 60-103 have been withdrawn from consideration. Claims 3, 23, 25, 39, 57, and 59 have been canceled, and new Claims 104, 105, 106, and 107 have been added in the present Amendment. As such, Claims 1, 2, 4-22, 24, 26-38, 40-56, 58, and 60-107 remain in the case with none of the claims being allowed.

The March 28 Office Action has been carefully considered. After such consideration, Claims 1, 2, 4-6, 8, 17, 22, 24, 26, 30, 34-38, 40-42, 44, 51, 56 and 58 have been amended, Claims 3, 23, 25, 39, 57 and 59 have been canceled and new Claims 104-107 have been added in the present amendment. Applicant respectfully requests reconsideration of the application by the Examiner in light of the above amendments and the following remarks offered in response to the March 28 Office Action.

Election/Restriction

The Examiner has required an affirmation of the February 21, 2003, provisional election by Applicant's counsel of Groups I and II (Claims 1-59) with traverse. Applicant hereby affirms the election with traverse. MPEP §803 explicitly states: "If the search and examination of the entire application can be made without serious burden, the examiner *must* examine it on the merits even though it includes claims to independent or distinct inventions." Applicant submits that the search and examination of a barrier layer for an article and a method of making said barrier layer does not impose a serious burden upon the Examiner, and that the entire application should be examined on the merits.

Claim Objections

The Examiner has objected to Claims 24 and 58 due to informalities, and has required that "terephthalene" be replaced by -- terephthalate --. Accordingly, Applicant has amended Claims 24 and 58 to overcome the Examiner's objection.

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Rejections under 35 U.S.C. §112

Claims 1-59 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The Examiner states that in Claim 1, line 2, it is unclear if one barrier layer can be disposed on one surface of the substrate, or more than one barrier layers can be disposed on the same surface of the substrate. The Examiner further states that it is also unclear if the barrier layer can only be disposed on the surface of the substrate, or the barrier layer can also be disposed on another barrier layer. The Examiner further states that similar language is used in Claim 37.

Applicant submits that independent claims 1 and 37 have each been amended to recite a barrier layer disposed on at least one surface of the polymeric substrate. In addition, Claim 2 has been amended to recite at least one layer disposed on the barrier layer opposite the polymeric substrate. Applicant submits that the amendments to Claims 1 and 2 clarify the relationship between the polymeric substrate, barrier layer, and any additional layers.

The Examiner states in claim 6, it is unclear if the carbide of the metal, the oxide of the metal and the nitride of the metal in lines 2-3 also includes the ceramic material of silica, alumina, zirconia, boron nitride, boron carbide, and boron carbonitride listed in lines 6-8. The Examiner further states that it is also unclear if the polymer in line 8 also includes the compounds of epoxide, acrylate, acrylonitrile, xylene, styrene listed in lines 9-10. The Examiner further states that similar language is used in Claims 8, 42, and 44.

Applicant submits that Claims 6, 8, 42, 44 have been amended to overcome the rejection by reciting an adhesion layer or an abrasion resistant layer comprising at least one of: a carbide of a metal, an oxycarbide of said metal, an oxide of said metal, and a nitride of said metal, wherein said metal is one of silicon, aluminum, titanium, zirconium, hafnium, tantalum, gallium, germanium, zinc, tin, cadmium, tungsten, molybdenum, chromium, vanadium, platinum, and combinations thereof. Applicant further submits that the Examiner's statement regarding the "polymer" in line 8 of Claims 6 and 42 is now moot, as the language "...a polymer; an epoxide; an acrylate; an acrylonitrile; a xylene; a styrene;..." has been deleted from these claims. Applicant

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therefore submits that, by so amending Claims 1, 2, 6, 8, 42, and 44, the rejection of Claims 1-59 under 35 U.S.C. §112, second paragraph, is successfully overcome.

Rejections under 35 U.S.C. §102

Claims 1-8, 10-13, 17-24, 26, 30-44, 46-47 and 51-58 have been rejected under 35 U.S.C. §102 (b) as being anticipated by Tahon et. al (US 6,355,125) and Claims 1-8, 10-14, 16-23, 26-27, 29-44, 46-48 and 50-57 have been rejected under 35 U.S.C. §102 (e) as being anticipated by Suzuki et. al (US 6,198,217).

Applicant submits that independent Claims 1, 26 and 37 have been amended to recite a polymeric substrate with a barrier layer **disposed on the substrate** and having a thickness of less than 10,000 nm.

Applicant respectfully submits that, in order to anticipate under §102, a reference must teach every aspect of the claimed invention. Accordingly, Applicant submits that neither Tahon et. al nor Suzuki et. al do not teach all of the limitations of amended Claims 1, 26 and 37.

Applicant submits that Tahon et. al do not disclose a barrier layer having a thickness of less than 10,000 nm. The reference instead teaches a thin glass *sheet* laminated to the substrate (Col. 3, lines 43-47) having a thickness of not less than 10µm (10,000 nm) (Col. 5, lines 10-12). In addition to the glass sheet, Tahon et. al teaches an *additional* barrier layer disposed on the glass sheet having a thickness of not less than 1 micron (Col. 6, lines 45-50). The total thickness of the combined barrier layers of Tahon et. al is at least 11 microns.

Applicant further submits that Suzuki et. al does not teach a polymeric substrate. Instead, the reference teaches a glass substrate (Col. 3, lines 1-5) or a low moisture permeable film such as polyethylene or polymethyl methacrylate (Col. 7, lines 50-55).

Applicant therefore submits that, because neither reference cited by the Examiner teaches every aspect of the claimed invention, the rejections of independent Claims 1, 26 and 37, and the claims dependent thereon, under 35 U.S.C. §102(b) as being anticipated by Tahon et al., and under 35 U.S.C. §102(e) as being anticipated by Suzuki et. al are successfully overcome.

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Rejections under 35 U.S.C. §103(a)

Claims 9, 23-25, 45, and 57-59 have been rejected under 35U.S.C. §103(a) as being unpatentable over Tahon or Suzuki in view of Ikai et al (U.S. Patent 6,015,951) and claims 14-16, 27-29 and 48-50 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Tahon in view of Suzuki et al. (U.S. Patent 6,198,217).

Applicant respectfully submits that, the present Amendment overcomes the 35U.S.C. §112, second paragraph, objections and the two 35U.S.C. §102 rejections of independent Claims 1, 26 and 37, and no outstanding rejections of these Claims remain. Applicant further submits that these Claims are now in condition for allowance. Because these Claims contain allowable subject matter, the Claims dependent from them must be allowable as well. Therefore the rejections of Claims 9, 23-25, 45, 57-59 over Tahon or Suzuki in view of Ikai et al (U.S. Patent 6,015,951) and Claims 14-16, 27-29 and 48-50 over Tahon in view of Suzuki et al. (U.S. Patent 6,198,217) under 35 U.S.C. §103 (a) are now moot.

In light of the amendment and remarks presented herein, Applicant submits that the case is in condition for immediate allowance and respectfully requests such action. If, however, any issues remain unresolved, the Examiner is invited to telephone the Applicant's counsel at the number provided below.

Respectfully submitted,



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